

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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J & J SPORTS PRODUCTIONS, INC.

Plaintiff,

-against-

FRANK POOL ROOM, et al.

Defendants.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 2-21-08

07 Civ. 8755 (LLS) (HBP)

SCHEDULING
ORDER

PITMAN, United States Magistrate Judge:

This matter having been referred to me to conduct an inquest and to report and recommend concerning plaintiff's damages, it is hereby ORDERED that:

1. Plaintiff shall submit proposed findings of fact and conclusions of law concerning damages no later than April 21, 2008. All factual assertions made by plaintiff are to be supported by either affidavit or other material of evidentiary weight.

2. Defendants shall submit their response to Plaintiff's submission, if any, no later than May 21, 2008. IF DEFENDANTS (1) FAILS TO RESPOND TO PLAINTIFF'S SUBMISSIONS, OR (2) FAILS TO CONTACT MY CHAMBERS BY MAY 21, 2008 AND REQUEST AN IN-COURT HEARING, IT IS MY INTENTION TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES ON THE BASIS OF

PLAINTIFF'S WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997); Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989) ("[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.")

Dated: New York, New York
February 21, 2008

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies Mailed To:

Paul Joseph Hooten, Esq.
Paul J. Hooten & Associates
5505 Nesconset Hwy.
Suite 203
Mount Sinai, New York 11766

Frank Poolroom
d/b/a Frank Pool Room Restaurant
185 East 167th Street
Bronx, New York 10456

Mr. Francisco Hernandez
185 East 167th Street
Bronx, New York 10456